

**EIGHTH DAY**

(Wednesday, January 25, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Kazen	Willis
Krueger	

**Absent—Excused**

Hudson	Schwartz
Lane	Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"We thank Thee, our Father, for the privilege and power of prayer. Forbid that we should sin against Thee in ceasing to pray for one another. Give us understanding and grace to bear one another's burdens, and so fulfill the law of Christ. In His name we pray. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence**

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Krueger.

Senator Schwartz was granted leave of absence for today on account of important business on motion of Senator Baker.

Senator Lane was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Owen.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
January 24, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 7, Allocating additional space in the State Capitol to the State Senate.

(With amendment.)

Respectfully submitted,

**DOROTHY HALLMAN,**  
Chief Clerk, House of Representatives

**Senate Bills on First Reading**

The following bills were introduced, read first time and referred to the Committee indicated:

By Senators Krueger, Baker and Reagan:

S. B. No. 68, A bill to be entitled "An Act providing for the licensing of by-product, source and special nuclear materials and the registration of other sources of ionizing radiation; authorizing the Governor of the State of Texas to enter into an agreement with the Atomic Energy Commission transferring from the Federal Government to the State of Texas certain regulatory powers; designating the Texas State Department of Health as the State Radiation Control Agency; establishing the Radiation Advisory Board; defining terms; prescribing penalties for violation thereof; permitting the development and utilization of sources of ionizing radiation for peaceful purposes consistent with the health and safety of the public; and declaring an emergency."

To the Committee on State Affairs.

By Senator Colson:

S. B. No. 69, A bill to be entitled "An Act to amend Section 21 of Chapter 41, Acts of the Fortieth Legislature, First Called Session, as amended, which is codified as Rule 54a of Article 4477, Vernon's Texas Civil Statutes, providing for an increase in the fees for certified copies of vital

records issued by the State Registrar of Vital Statistics and for searching the files of the State Bureau of Vital Statistics; providing fees for the filing of new birth certificates based on adoption, legitimation, and paternity determination; providing fees for the filing of amendments to birth certificates based on court orders of change of name; providing the time this Act shall take effect; and declaring an emergency."

To the Committee on Public Health.

Senator Baker:

S. B. No. 70, A bill to be entitled "An Act relating to arbitration; establishing the validity of a written agreement to arbitrate a controversy; establishing procedures, including provisions to compel or stay arbitration, appointment of arbitrators, power of arbitrators to act, conduct of hearing, waiver of right to be represented by an attorney, attendance of witnesses, issuance of subpoenas, taking of depositions, rendition of award, modification or correction of award by arbitrators, payment of fees and expenses of arbitration, and confirmation of an arbitration award; establishing grounds upon which a court may vacate, modify or correct an award; providing for enforcement of an award; establishing additional procedures; defining court; fixing venue; establishing procedure for appeals; specifying agreements to which applicable; providing for certain rules of interpretation; repealing Articles 224 through 249, both inclusive, Revised Civil Statutes of Texas, 1925, and other conflicting laws; providing for a savings clause; providing for severability; and declaring an emergency."

To the Committee on Labor and Management Relations.

Senator Reagan:

S. B. No. 71, A bill to be entitled "An Act relating to the management, control and use of the surface estate in certain State-owned submerged lands and islands so as to insure the conservation of the marine resources of the State and the development of a submerged lands and islands management program dedicated to the preservation and utilization of such natural resources of the State in the public interest."

To the Committee on State Affairs.

By Senators Parkhouse and Owen:

S. B. No. 72, A bill to be entitled "An Act requiring persons to obtain permits to drill injection wells, or to convert existing wells into injection wells, for the disposal of industrial and municipal waste; defining certain terms; designating the Board of Water Engineers as the permit issuing agency for all injection wells to dispose of waste other than waste arising out of the drilling for or the producing of oil or gas, designating the Railroad Commission as the permit issuing agency for all wells for the injection of waste arising out of the drilling for or the producing of oil or gas; providing for fees, notice and hearings requiring applicants for permits to file certain material and information; prescribing standards to guide the Board and Commission in granting permits; authorizing the Board or Commission to grant an application in whole or in part and in the permit require that the well be cased in such a manner as to prevent the pollution of fresh water sands and require that logs of wells be kept and furnished the permit issuing agency; requiring copies of permits issued by one agency to be furnished the other agency; authorizing each agency to adopt rules and regulations; providing penalties for violation; authorizing enforcement of rules and regulations and provisions of permits by injunction in the county when an offending well is located; and declaring an emergency."

To the Committee on Oil and Gas.

By Senators Herring and Owen:

S. B. No. 73, A bill to be entitled "An Act amending Section 6, Senate Bill No. 222, 55th Legislature, Regular Session, as amended by Senate Bill No. 10, 56th Legislature, 2nd Called Session, providing for the removal of offices; and declaring an emergency."

To the Committee on Insurance.

By Senator Kazen:

S. B. No. 74, A bill to be entitled "An Act authorizing Webb County to supplement the salary of the District Attorney of the 49th Judicial District for additional services performed in Webb County, authorizing the appointment of an Assistant District Attorney, Special Investigators for the District Attorney, and a Stenographer-Secretary for the District At-

torney of the 49th Judicial District to act in Webb County; fixing the salary of said Assistant District Attorney, Special Investigators, and Stenographer-Secretary to be paid by Webb County; repealing Chapter 62, Acts of the Fifty-fifth Legislature, and all other laws in conflict herewith; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senators Roberts and Owen:

S. B. No. 75, A bill to be entitled "An Act establishing a Position Classification Plan for certain departments, institutions, and agencies of the State and requiring that all regular, full-time salaried employments shall conform therewith; providing certain exceptions and deferments from such position classification plan; providing that nothing in this Act shall interfere with existing statutory authorizations for employing, promoting or dismissing employees of the State, or abrogating statutory authority for certain state agencies to operate under merit systems, establishing the office of Classification Officer and describing his duties; providing for the maintenance, operation, and application of such position classification plan; providing a severability clause; and declaring an emergency."

To the Committee on Finance.

By Senators Hazlewood and Roberts:

S. B. No. 76, A bill to be entitled "An Act amending Sections 1, 3, 4, and 6, deleting Section 7, changing the number of Section 8, deleting Sections 9, 10, 11, 12, of House Bill 309, Chapter 344, Acts of the Forty-ninth Legislature, Regular Session, 1945, defining certain terms, and further amending said Act by adding additional sections designated as Sections 8 through 14 inclusive; providing for the enabling of the Commission to establish and enforce rules and regulations, conduct investigations and hearings; providing for technical assistance to municipalities and others; providing for aeronautical education of airmen and others; providing for penalties and judicial review; establishing the Texas Applicators Pest Control Council, compensation of its members, providing for inspection powers, publishing and distribution of information, licensing, financial responsibility, disposition of fees col-

lected, examination, refusal of license and grounds therefor, providing filings of complaints, reports, notice, hearings, action by the Council, appeals and punishment; providing a savings clause; and declaring an emergency."

To the Committee on State Affairs.

By Senators Hazlewood and Creighton:

S. B. No. 77, A bill to be entitled "An Act to amend Article 2757, Revised Civil Statutes of Texas, of 1925, as last amended by Senate Bill 119, Acts 56th Legislature, Regular Session, 1959, to allow any common school district containing seven hundred inhabitants or more to form an incorporation for free school purposes only; and to allow also any district containing an area of not less than eighty-three (83) square miles, and containing one-hundred and sixty-five (165) inhabitants, or more, and having an assessed property valuation of Three Million Dollars (\$3,000,000.00) or more to form an incorporation for free school purposes only; providing a severability or saving clause; and declaring an emergency."

To the Committee on Education.

By Senator Hazlewood:

S. B. No. 78, A bill to be entitled "An Act limiting the power of the Board of Insurance Commissioners to promulgate certain rating plans for certain private passenger automobiles; amending the Insurance Code, Subchapter A, Chapter Five, by adding thereto a new Article to be known as Article 5.01a; repealing all laws in conflict; and declaring an emergency."

To the Committee on Insurance.

By Senators Martin and Willis:

S. B. No. 79, A bill to be entitled "An Act providing for Medical Assistance on behalf of recipients of public assistance; defining terms; designating the State Department of Public Welfare to administer the program, to cooperate with the Department of Health, Education, and Welfare and to accept and expend moneys from the Federal Government; providing the requirements for receiving Medical Assistance; authorizing the Department to adopt rules and regulations for administering the program; authorizing the Department to determine the method of administration of

Medical Assistance by establishing a direct vendor payment program administered by the Department and/or by an insurance plan or hospital service plan and/or a medical service plan authorized to do business in Texas; authorizing the Department to prorate claims if necessary; prohibiting the payment of Medical Assistance to or on behalf of persons hospitalized in Federal or State institutions for the mentally retarded or mentally ill or for tuberculosis; amending Senate Bill No. 36, Page 544, General and Special Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended by Subsection (1) of Section 27 of House Bill No. 611, Chapter 562, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended, by creating a special fund in the Treasury to be known as the "Medical Assistance Fund"; amending Section 2 of Article XX of Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended, by adding a new Subsection to be known as Subsection (7) and amending Subsection (4-c), providing for the allocation of State funds to the 'Medical Assistance Fund'; making appropriations for Medical Assistance and for administrative expenses; providing a repealing clause, a saving clause, and declaring an emergency."

To the Committee on Finance.

By Senator Creighton:

S. B. No. 80, A bill to be entitled "An Act authorizing incentive aid payments to certain independent school districts; specifying the conditions for such incentive payments, and making other provisions relating thereto; containing a severability clause; and declaring an emergency."

To the Committee on Education.

By Senators Herring, Secrest, Baker, Parkhouse and Hazlewood:

S. B. No. 81, A bill to be entitled "An Act amending Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, (codified as Article 3271a, Vernon's Texas Civil Statutes) by adding a new section to be numbered 12a to provide for the certification of certain persons as an Engineer-in-Training; and declaring an emergency."

To the Committee on State Affairs.

By Senator Kazen:

S. B. No. 82, A bill to be entitled "An Act to amend Article 2135 of the Revised Civil Statutes of Texas, 1925, as amended by acts of the 54th Legislature Chapter 288, Section 2 as last amended by acts of the 55th Legislature, regular session, Chapter 337 by providing certain additional exemptions from jury service and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Moore:

S. B. No. 83, A bill to be entitled "An Act to prohibit on Sunday the sale at retail or by auction of certain named items; providing this Act shall not apply to sale or sales on Sunday for charitable purposes; to provide punishment for the offense; providing for severability; repealing all laws in conflict herewith; and declaring an emergency."

To the Committee on State Affairs.

By Senator Parkhouse:

S. B. No. 84, A bill to be entitled "An Act to amend Article 1098 of Chapter 9, Title 28, Vernon's Texas Civil Statutes, so as to require that notice of hearing on assessments for street improvements be mailed to railroads and street railways owning abutting property, and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Parkhouse:

S. B. No. 85, A bill to be entitled "An Act to amend Article 1093 of Chapter 9, Title 28, Vernon's Texas Civil Statutes, so as to require that notice of hearing on assessments for street improvements be mailed to railroads and street railways owning abutting property, and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Parkhouse:

S. B. No. 86, A bill to be entitled "An Act amending Section 9 of Chapter 106, Acts of the Fortieth Legislature, First Called Session, 1927 (codified as Section 9 of Article 1105b in Vernon's Texas Civil Statutes) so as to require that notice of hearing on assessments for street improvements be mailed to a railway or street railway owning abutting property, and further to provide that failure to give such notice shall be a defense in a

suit to enforce any such assessments, and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Parkhouse:

S. B. No. 87, A bill to be entitled "An Act to amend Article 1211 of Chapter 17, Title 28, Vernon's Texas Civil Statutes, so as to require that notice of hearing on assessments for highway improvements be mailed to railways and street railways owning abutting or nearby property, and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Gonzalez:

S. B. No. 88, A bill to be entitled "An Act amending H. B. No. 386, Acts 1957, 55th Leg., Reg. Sess., Ch. 505, p. 1471, by adding a new Section 11a providing respective rights, obligations, duties and responsibilities of a city which acquires or has acquired a street transportation system under the law and the employees of the system and their collective bargaining agents; prescribing methods of settling disputes; prohibiting such employees from engaging in a strike or concerted stoppage of work; making a declaration of policy; and declaring an emergency."

To the Committee on Labor and Management Relations.

By Senator Gonzalez:

S. B. No. 89, A bill to be entitled "An Act changing the name and designation of the Criminal Judicial District Court of Bexar County, Texas, as originally created by H. B. 131, Act of 1933, 43rd Legislature, p. 867, Ch. 247, and as now provided for by H. B. 486, Acts of 1957, 57th Legis., p. 1478, Ch. 507, to the 144th Judicial District Court of Bexar County, Texas; changing the name and designation of the Criminal Judicial District Court No. 2, as originally created by S. B. 395, Acts of 1955, 54th Legis., p. 730, Ch. 262, and as now provided for by H. B. 486, Acts of 1957, 55th Legis., p. 1478, Ch. 486, to the 175th Judicial District Court of Bexar County, Texas providing that the duly elected judges of the Criminal Judicial District Court and the Criminal Judicial District Court No. 2 of Bexar County, Texas, shall be the judges of the 144th Judicial District Court and the 175th Judicial District Court of Bexar County, Texas, respectively, un-

til the time for which they have been elected expires and their successors qualify; providing that all appropriations heretofore made for the payment of the salaries and expenses of the judges of the Criminal Judicial District Court and the Criminal Judicial District Court No. 2 of Bexar County, Texas, shall be made available for the payment of the salaries and expenses of the 144th & 175th Judicial District Courts of Bexar County, Texas providing for official seals of said Courts; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Gonzalez:

S. B. No. 90, A bill to be entitled "An Act to fix and make certain the amount of compensation to be paid from county funds by counties having a population of six hundred thousand (600,000) or more, according to the last preceding Federal census, as compensation to District and Criminal District Judges in such counties; providing the time and method of payment, authorizing amendment of the county budget; providing for the compensation of substitute judges; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Martin:

S. B. No. 91, A bill to be entitled "An Act to amend Section 1 and Section 3 of H. B. 754, Acts of the Regular Session, 49th Legislature, providing a distinction between crippled children and needy children; providing that appliances, braces and material necessary for the proper handling of crippled children shall not be considered personal property of the State; and declaring an emergency."

To the Committee on Public Health.

By Senator Martin:

S. B. No. 92, A bill to be entitled "An Act to amend Section 4 of H. B. 753, Acts of the Regular Session, 52nd Legislature, as amended, by adding thereto a new Subsection to Section 4 to be known as Subsection (d) authorizing the exemption of all medical, surgical, technical equipment and supplies provided by the Texas State Department of Health to Local Public Health Units, Local Public Health Laboratories, state institutions, and non-profit institutions, contributing to the promotion and maintenance of public health by the usage of such

medical, surgical, technical equipment and supplies administered by the State Health Department from system of accounting and placing responsibility for state property upon the Department; and declaring an emergency."

To the Committee on Public Health.

By Senator Moffett:

S. B. No. 93, A bill to be entitled "An Act authorizing certain junior college districts to give, donate and convey property to certain state colleges or universities; authorizing such junior college districts to sell and convey encumbered property to such state colleges or universities, provided the encumbrance is removed concurrently with the conveyance; authorizing the pledge of certain ad valorem taxes in such junior college districts for the further maintenance of the first two years of school work at such state colleges or universities; providing that any such junior college district which conveys all or substantially all of its properties pursuant to this Act shall cease to function except for the assessment, levy and collection of ad valorem taxes to pay outstanding tax bonds, pledges and other obligations; repealing all laws and parts of laws in conflict herewith; providing a saving or severability clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Secrest:

S. B. No. 94, A bill to be entitled "An Act relative to the regulation of rates for certain casualty insurance including motor vehicle insurance and fidelity, guaranty and surety bonds, and to minimum requirements for motor vehicle insurance coverage; amending Articles 5.13 and 5.14 of the Insurance Code; adding a new Article to be designated Article 5.19A to Chapter 5 of the Insurance Code; repealing subchapter A of Chapter 5, being Articles 5.01 to 5.12 inclusive of the Insurance Code, as amended; and declaring an emergency."

To the Committee on Insurance.

Co-Authors of Senate Bill 4

Senators Dies and Fuller asked unanimous consent to be shown as co-authors of S. B. No. 4.

There was no objection offered.

Co-Author of Senate Bill 22

Senator Willis asked unanimous consent to be shown as co-author of S. B. No. 22.

There was no objection offered.

Co-Author of Senate Bill 79

Senator Willis asked unanimous consent to be shown as co-author of S. B. No. 79.

There was no objection offered.

Senate Resolution 29

Senator Aikin offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate John Carlyle of Paris, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented Mr. Carlyle to the Members of the Senate.

Senate Concurrent Resolution 9

Senator Parkhouse offered the following resolution:

S. C. R. No. 9, Providing committee to select a Poet Laureate and alternate Poet Laureate for State.

Whereas, There is a close connection between the long growth of civilization and the development of literature; and

Whereas, It has been customary in all ages for governments to recognize this relation by elevating the poet to the same plane as a statesman and military leader; and

Whereas, The recognition of outstanding poets in this State and their elevation to places of honor will have a wholesome and beneficial effect on literature in this State; and

Whereas, The Legislature of the State of Texas has for several ses-

sions established the policy sought by this resolution to be continued; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That there shall be named a committee of five (5) to appoint and designate some outstanding and recognized poet who is a citizen of Texas, who shall be Poet Laureate of the State of Texas for a period of two (2) years from such appointment and designation; that said committee shall consist of two (2) Members of the Senate to be named by the Lieutenant Governor, two (2) Members of the House to be named by the Speaker, and said committee shall meet with the Governor who is hereby designated as the fifth member of the committee; or if the Governor does not serve, he is hereby authorized to designate the fifth member of the committee; and, be it further

Resolved, That an alternate Poet Laureate with the same qualifications of the Poet Laureate be appointed for the same period of time, who shall serve in the event of the death or resignation of the Poet Laureate.

The resolution was read and referred to the Committee on State Affairs.

#### Senate Concurrent Resolution 10

Senator Fuller offered the following resolution:

S. C. R. 10, Providing committee to select Poet Laureate and alternate Poet Laureate for Texas.

Whereas, There is a close connection between the long growth of civilization and the development of literature; and

Whereas, It has been customary in all ages for governments to recognize this relation by elevating the poet to the same plane as a statesman and military leader; and

Whereas, The recognition of outstanding poets in this state and their elevation to places of honor will have a wholesome and beneficial effect on literature in this state; and

Whereas, The Legislature of the State of Texas has for several sessions established the policy sought by this resolution to be continued; now, therefore, be it

Resolved, by the Senate of the State

of Texas, the House of Representatives concurring, That there shall be named a committee of five (5) to appoint and designate some outstanding and recognized poet who is a citizen of Texas, who shall be Poet Laureate of the State of Texas for a period of two (2) years from such appointment and designation; that said committee shall consist of two (2) members of the Senate to be named by the Lieutenant Governor, two (2) members of the House to be named by the Speaker, and said committee shall meet with the Governor who is hereby designated as the fifth member of the committee; or if the Governor does not serve, he is hereby authorized to designate the fifth member of the committee; and, be it further

Resolved, That an alternate Poet Laureate with the same qualifications of the Poet Laureate be appointed for the same period of time, who shall serve in the event of the death or resignation of the Poet Laureate.

The resolution was read and was referred to the Committee on State Affairs.

#### Senate Bills 48 and 55 Referred

The President announced that S. B. No. 48 and S. B. No. 55 introduced on yesterday would be referred to the Committee on Education.

#### Senate Concurrent Resolution 7 with House Amendment

Senator Martin called S. C. R. No. 7 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Martin moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the resolution.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the resolution:

Senators Martin, Aikin, Hardeman, Kazen and Creighton.

**Senate Resolution 30**

Senator Hardeman offered the following resolution:

Be it resolved by the Senate of Texas, That at such times as the Senate may direct there shall be prepared Local and Uncontested Bill Calendars, which Calendars shall be prepared by a Committee of five appointed by the Lieutenant Governor.

No bills or resolutions shall be placed on such calendar which contain appropriations or create new departments or subdivisions of departments, except purely local bills where the expenditure is not from State funds.

No bills or resolutions which the committee feels might create a controversy shall be placed on such calendar. Any bill or resolution on such calendar shall not be considered if as many as three members present object to such consideration.

The calendar shall be placed on the desk of the Members at least six hours before any such session. The committee may name a time after which applications for a place on the calendar may not be made.

The committee shall not consider any bills unless a printed copy of such bill or the bill itself is presented to the committee.

The resolution was read and was adopted .

**Senate Resolution 31**

Senator Hardeman offered the following resolution:

Whereas, We deem it necessary and to the best interests of the people of the State of Texas that a Senate General Investigating Committee be appointed, having the powers as hereinafter set forth; now, therefore be it

Resolved, By the Senate of the State of Texas:

Section 1. That the Lieutenant-Governor be, and he is hereby authorized to appoint a committee of five members of the Senate to sit at such times and places between the adjournment of the Fifty-seventh Legislature and the date of the convening of the Regular Session of the Fifty-eighth Legislature, as may to said committee seem necessary and proper; and the committee shall continue the inquiries heretofore begun by the committee heretofore authorized and appointed, relative to law violations and the ad-

ministration of all state laws and any of the matters pertaining to or affecting the revenues of the State government, and the expenditures of taxes, fees, and assessments, and to inquire into any other affairs and activities of governmental departments and institutions of whatever kind and character, as such activities in any way affect the financial or other welfare of the government and the citizens of Texas. Said committee shall make a study of any other governmental activity, and shall have authority to investigate and inquire into any such matters.

Section 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting, recessing, and adjournment. Provided, however, that the rules of evidence to be followed shall be practically the same as followed in the courts of this State, and the committee is authorized to hold executive sessions, within its discretion, and then the committee may be governed by the rules of evidence applicable to any grand jury inquiry in this State.

Section 3. That the majority of the membership of the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have the power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State; and said committee shall have authority to cite for contempt anyone disobeying said process and to punish for such contempt in the same manner as provided for by general law. Said committee shall have power to inspect and make copies of any books, records, or files of the departments and institutions and any and all other instruments and documents pertinent to the matter under investigation by said committee, and to take possession of any files, records, papers in any department or agency of the State and to retain the same in its custody until any investigation in which such committee may be engaged or undertaken is completed, including any county or political subdivision of this State, and shall also have power to examine and audit the books of any person, firm, or corporation having

dealings with departments and institutions under investigation by said committee. (The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all the powers necessary in order to accomplish the purposes for which it is appointed. Three members of such committee shall constitute a quorum for the transaction of official business.)

Section 4. The witnesses attending under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this State.

Section 5. Said committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers, and other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigations.

Section 6. That said committee may call upon the Attorney General's Department, Auditing Department, and all other departments for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions, and give counsel and assistance to said committee on request of chairman or members of said committee.

Section 7. That said committee shall submit a report in writing to the 58th Legislature, and make such recommendations as it may choose to make. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and contingent fund of the 57th Legislature and out of any fund otherwise appropriated by said Session of said Legislature for such purpose, upon sworn account of persons entitled to such pay, when approved by the chairman of said committee; and sufficient money is hereby appropriated out of the mileage and contingent fund of said 57th Legislature to meet the payment of such expenses of the members of said committee, witnesses, fees, and other expenses incident to said investigation.

The resolution was read and was adopted.

#### Message from the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,  
January 25, 1961.

To the Senate of the Fifty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Credit Union Advisory Commission, for three-year terms to expire December 31, 1963: R. C. Morgan of El Paso, El Paso County; Mrs. Bessie Heard of Houston, Harris County.

To be a member of the Board of Trustees of the Municipal Retirement System, for a six-year term to expire December 31, 1966: Whitt Johnson of Houston, Harris County.

To be a member of the Board of Directors of the Neches River Conservation District, to fill the unexpired term of R. A. McAlister, deceased, term to expire September 5, 1963: C. N. Stroud of Palestine, Anderson County.

To be a member of the State Securities Board, for a six-year term to expire upon the installation of the Governor in 1967: W. M. (Pete) Rodes of Emory, Rains County.

To be a Branch Pilot for the Brazos Santiago Pass, Bar and Tributaries, for a two-year term to expire January 10, 1963: Joseph A. Kelly of Brownsville, Cameron County.

To be a Branch Pilot for the Galveston Bar and Houston Ship Channel, for a two-year term to expire January 4, 1963: Charles W. Barfield of Houston, Harris County.

Respectfully submitted,  
PRICE DANIEL,  
Governor of Texas.

#### Adjournment

On motion of Senator Hardeman the Senate at 11:18 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of  
**The Honorable James V. Allred**

Senator Baker offered the following resolution:

(Senate Resolution 32)

Whereas, The State of Texas lost one of its most illustrious citizens in the death of James V. Allred, Federal District Judge and former Governor and Attorney General, on September 24, 1959; and

Whereas, He died at the age of 60 in Laredo, where he was presiding at the September term of the United States District Court for the Southern District of Texas; and

Whereas, Governor Allred was born on March 29, 1899, in Bowie, the son of a pioneer family; and

Whereas, After graduation from Bowie High School, he served in the United States Navy in World War I, after which he worked at a number of odd jobs to earn money for his college education; and

Whereas, In 1927, he married Jo Betsy Miller of Wichita Falls, a graduate of Southern Methodist University and an accomplished pianist; and

Whereas, He was appointed by Governor Pat Neff to serve as assistant district attorney for Wichita, Archer and Young Counties in 1923 and a year later, at the age of 25, was elected district attorney; and

Whereas, He made his first bid for State office in 1926 as a candidate for Attorney General in the Democratic primary, losing on his first try but defeating the incumbent and winning the office in 1930; and

Whereas, He was elected Governor in 1934 and re-elected in 1936 without a runoff; and

Whereas, President Franklin D. Roosevelt dramatically took him out of politics temporarily when he announced in Wichita Falls during a 1938 whistle-stop tour that he was appointing Governor Allred a Federal Judge; and

Whereas, After completing his term as Governor, he moved to Houston and served as Judge of the United States District Court for Southern District of Texas, later engaging in the private practice of law there until appointed by President Harry Truman in 1949 to fill another vacancy on the bench of the United States District Court; and

Whereas, He is survived by his wife and three sons, James, David, and Sam Houston; a granddaughter; a sister, Mrs. Jeff Christian of Fort Worth; and four brothers, O. H. Allred of Fort Worth, Ben Allred of Dallas, Renne Allred of Bowie, and Raymond Allred of Odessa; and

Whereas, It is the wish of the Senate to pay tribute to the memory of this devoted public servant who gave so generously of his abilities and talents to his State and Nation; now therefore be it

Resolved, That the Senate of the State of Texas adjourn this day in memory of Governor James V. Allred, that a page in the Senate Journal be set aside in respect to him, and that a copy of this Resolution be sent to his family with our deep sympathy and profound appreciation for his many contributions to the State of Texas.

BAKER  
REAGAN  
KAZEN  
HARDEMAN  
HUDSON  
SCHWARTZ  
MOFFETT

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Gonzalez, Hazlewood, Herring, Krueger, Lane, Martin, Moore, Owen, Parkhouse, Patman, Ratliff, Roberts, Rogers, Secrest, Smith, Weinert, Willis.  
The resolution was read.

On motion of Senator Krueger and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.